

Egremont Planning Board Minutes

April 8, 2021

Call to order: 10:00 a.m.

Present: Eddie Regendahl, Nick Keene, Donna Gordon, Matthew Bersani.

Not present: Jared Kelly

Citizens present: Steven Ide, Rick Ramsay, Marshall Bouton, Steve Lyle, Guy Genin, Marj Wexler, Mary McGurn, Kevin Zurrin, Lisa Williams, Barbara Kalish, Mark Bernstein, Joan Goodkind

Form A's: None

Mail: - The Town of Great Barrington, Notice of Public Hearing: planning Board will hold a public hearing on Thursday, April 8, 2021 at 6:15 PM, via Zoom to provide an opportunity to comment on a citizen petition for amendment of the Zoning Bylaw as it pertains to the criteria the Planning Board shall use to evaluate applications for special permits, as set forth in a request for a Town Meeting warrant article. A copy of the proposed amendments may be reviewed at www.townofgb.org or in the Town Clerk's office at Town Hall. Any person wishing to be heard on these matters should attend the Hearing, or submit comments in writing prior to 4:00 PM the day of the hearing. Instructions to access the meeting through Zoom are available on the town website or you contact the Planning Department by email to crembold@townofgb.org. or call 413-528-1619.

- The Town of Great Barrington, Notice of Decision on Special Permit: The Planning Board at its meeting on March 11, 2021, voted to grant the special permit in accordance with the plans submitted regarding the conversion of a former nursing home at 148 Maple Avenue, Great Barrington, to a multifamily use of 30 apartment units, in accordance with Sections 8.10 and 10.4 of the Zoning Bylaw with the following condition: 1) No units shall be rented or sublet for a period of less than 30 days.
- The Town of Great Barrington, Notice to Abutters, Zoning Board of Appeals will hold a public hearing on Tuesday, April 20, 2021 at 7:30 PM via Zoom, to consider amendment of the Board's decision of April 30, 2018 regarding use of the property at 11 Roger Road, which was issued on an appeal for a cease and desist order of the Building Inspector. This matter comes before the Board as directed in a remand order of the Land Court in the case of GHO, LLC v. Great Barrington Zoning Board of Appeals, et al. A copy of the Land Court order is on file with the Town Clerk and may also be requested from the Planning Department at 528-1619, x.2401. The Zoom link will be posted on the meeting attendant at least 48 hours in advance.

- **Minutes:** The Planning Board minutes of March 3, 2021 and March 10, 2021 were reviewed, and approved.
- Citizen Time: None

Proposed Marijuana Bylaw Discussion: The Board thanked the Egremont Together Organization for their user friendly and informative website which describes the salient issues relating to Marijuana businesses impacting Egremont. A brief discussion ensued clarifying the six marijuana licenses that will appear as citizen petitions on the May 11th, 2021 ballot and requiring an up/down vote on banning each license type*; the first of a two step voting process. (*Marijuana Retail license is already allowed in Egremont. The petition asks the town to vote up/down on limiting Marijuana Retail establishments (MR's) to 1.

The Board deliberated and agreed that in general, taking the most conservative approach to all licenses is in the best interest of the town and were not opposed to the idea of banning some licenses. However, on principle, the Board agreed that 1) Cultivation, carefully regulated, should be allowed and 2) the flexibility to allow an additional 1-2 MR's with regulations as to size/scope/place. The Board reviewed the timeline of events and agreed to educate citizens on the topic via a one page document to be published on the Egremont Posts prior to the vote on May 11, 2021.

In addition to the above, the Board members explored the rationale for the petition calling for an up/down vote on the Delivery Only License. If Egremont voters ban this license, it doesn't stop the delivery of marijuana from abutting towns who would benefit from the tax revenue. Because this license is exclusive to applicants who have been previously harmed by the criminalization of marijuana and is already strictly regulated by the CCC, the Board opted to include this license in it's one page document.

Added Citizen Time

Marshall Bouton spoke to the purpose of the petitions as being a way to gain a better understanding of how the majority of citizens feel about commercial marijuana businesses in Egremont. Eddie stated the petitions would be used as a referendum on the licenses, but that regardless of how the petitions are voted upon, the "bones" of the proposed bylaw as written would stand.

Rick Ramsay spoke about wanting the Egremont Together website to be collaborative, informative and educational. He reviewed some of the rationale for their points of view and thanked the Board for their work.

Mark Bernstein recommended the Board include a 500 feet setback between schools and MR's in their informational sheet to the Town. He also wondered if the Bylaw can regulate the distance between Marijuana Retail businesses.

Regarding Marijuana Retail , Mary McGurn pointed out that the focus has been on South Egremont to the exclusion of North Egremont and other areas that might present a business opportunity in the future. She believed that MR's may be regulated to use preexisting structures only. Regarding the Delivery Only Operator license, she felt the on-going discussion and results have shown a great deal of misinformation and took this opportunity to educate and inform those present about the extra layers of stringent regulations that the state puts on this license type. She reminded those present that Marijuana has been delivered to residences in Egremont since medical marijuana has been legal without incident. She stated she takes exception to the petition and a ballot question that would ban this opportunity particularly as it is an entree into the industry available to those most hurt by the criminalization of marijuana.

Set Date for Public Hearing re proposed change to zoning bylaw (agriculture):

The Board chose Tuesday May 18, 2021 at 5:00 pm as a date for a public hearing regarding the proposed change to the definition of agriculture in the zoning Bylaw. After confirming the date with Jared, the clerk will post legal notice.

New Business and future agenda items: None

Future meetings: Wednesday, April 21, 2021 at 10:00 was agreed upon pending confirmation from Jared.

Meeting Adjourned: 11:06 am

Respectfully submitted by Donna Bersch Gordon, April 16, 2021